

A. G. Contract No. KR91-2771-TRD
ECS File: JPA-91-82
Phoenix File: 61153
Project: 153 MA 1 H 0880 01D
Section: Sky Harbor Access
University Dr. -
Sky Harbor Blvd.

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into 14 January, 1992, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PHOENIX, acting by and through its City Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and the City Charter, Chapter 2, Section to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The City requests and the State agrees to conduct a study to determine alignment modifications to SR 153 in which to support increased land reclamation for airport related development at Sky Harbor Airport, at the City's expense, estimated at \$21,600.00.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>16336</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>01/14/92</u>
<u>Richard Mahoney</u> Secretary of State
By <u>Wing V. Greenwell</u>

II. SCOPE OF WORK

1. The State will:

a. By contract modification to the existing contract with the Management Consultant (Contract No. 86-95), conduct a concept study to determine alignment modifications to SR 153. A scope of work will be submitted to the City for review and concurrence.

b. Invoice the City upon completion of the concept study, the actual cost for said study, estimated at \$21,600. The total time for the study is approximately sixty (60) days.

2. The City will:

a. Review and concur with the scope of the concept study.

b. Upon receipt of an invoice, remit payment to the State within 30 days.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said study and final payment; provided, however, that this agreement, may be cancelled at any time upon thirty (30) days written notice to the other party. Any monies expended for the study up to the time of cancellation shall be reimbursed to the State.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
Mail Drop 616E
205 South 17 Avenue, Room 222E
Phoenix, AZ 85007

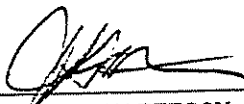
City of Phoenix
Street Transportation Department
125 E. Washington
Phoenix, AZ 85004

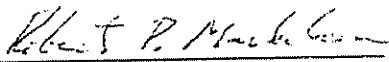
7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

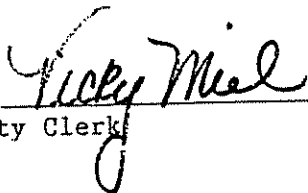
CITY OF PHOENIX, a Municipal
Corporation,
FRANK FAIRBANKS, City Manager

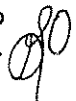
STATE OF ARIZONA
Department of Transportation

By 
JAMES H. MATTESON, P.E. Director
Street Transportation Department

By 
ROBERT P. MICKELSON, P.E.
Deputy State Engineer

ATTEST:


By 
City Clerk

1991 DEC 12 PM 2:10
CITY CLERK DEPT. 

RESOLUTION

BE IT RESOLVED on this 5th day of August 1991, that I, CHARLES E. COWAN, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Phoenix for the purpose of performing a concept study of the current Sky Harbor Access (SR 153) alignment, at City's expense.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

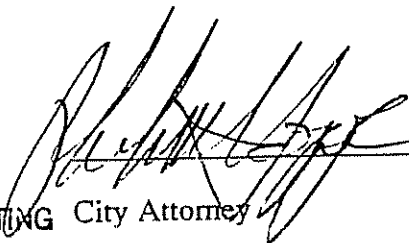

for CHARLES E. COWAN, Director
Arizona Department of
Transportation

JPA 91-82

APPROVAL OF THE PHOENIX CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF PHOENIX, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona and the City Charter.

DATED this 14 day of December, 1991.


ACTING City Attorney


1979j

900
 GREEN - CITY CLERK
 WHITE - CITY ATTORNEY
 BLUE - CITY MANAGER
 PINK - ACCOUNTS NOTIFICATION
 CANARY - DEPARTMENT NOTIFICATION
 BUFF - DEPARTMENT FILE COPY

CITY OF PHOENIX, ARIZONA

REQUEST FOR COUNCIL ACTION

ALL RCA'S MUST BE IN THE CITY MANAGER'S OFFICE BY NOON ON THE TUESDAY, SEVEN DAYS BEFORE THE FORMAL CITY COUNCIL MEETING WITH ALL REQUIRED SIGNATURES COMPLETE THIS FORM PER M.P. 1906

1 To the City Manager:

DATE December 4 1991

THE FOLLOWING COUNCIL ACTION IS HEREBY REQUESTED: ☐ ORDINANCE ☐ RESOLUTION ☒ FORMAL ACTION

AGREEMENT WITH THE STATE OF ARIZONA

SKY HARBOR ACCESS (SR-153) FROM UNIVERSITY DRIVE TO SKY HARBOR BOULEVARD

Current Council District #6 and #8 - Future Council District #8

This request authorizes the City Manager to sign an agreement with the State of Arizona through its' Department of Transportation (ADOT).

The City requests and the State agrees to conduct a study to determine alignment modifications to SR-153 to support increased land reclamation for airport related development at Sky Harbor Airport.

The cost to the City is estimated to be \$21,600.

This request bears the concurrence of the Street Transportation Director and the Aviation Director.

1991 DEC 10 AM 10:22
 CITY CLERK DEPT.

2. Bid Bond (Surety) Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3. Bond submitted by low bidder? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		4. Performance Bond (Surety) Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> None							
5. SOURCE OF FUNDS:				12. Recommended by:							
<table border="1"> <thead> <tr> <th>INDEX CODE</th> <th>SUBJECT</th> <th>PROJECT</th> </tr> </thead> <tbody> <tr> <td>9, 1, 4, 3, 6, 6</td> <td>4, 2, 0, 6</td> <td></td> </tr> </tbody> </table>				INDEX CODE	SUBJECT	PROJECT	9, 1, 4, 3, 6, 6	4, 2, 0, 6		Department/Function: Street Transportation/Capital Programs & Research Division Head Signature: <i>[Signature]</i> Department Head Signature: <i>[Signature]</i> James H. Matteson, P.E., Sr. Trans. Director	
INDEX CODE	SUBJECT	PROJECT									
9, 1, 4, 3, 6, 6	4, 2, 0, 6										
\$ 21,600.00 <input type="checkbox"/> BUDGETED <input checked="" type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINGENCY											
6. Emergency Clause? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		7. Requested by: R. Bortfeld 55817		13. Approved as to availability of funds:							
IF LESS THAN FIVE COUNCIL MEMBERS ARE PRESENT <input type="checkbox"/> CONTINUE ONE WEEK <input checked="" type="checkbox"/> ADOPT WITHOUT EMERGENCY CLAUSE		8. WP Document #:		<i>[Signature]</i> MANAGEMENT & BUDGET DIRECTOR							
		9. Desired Agenda Date: 12/14/91		14. Approved:							
10. Formal contract required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		11. Requisition #:		<i>[Signature]</i> Deputy CITY MANAGER							
Previous contract #											
15. Council action taken:											

Formal action:

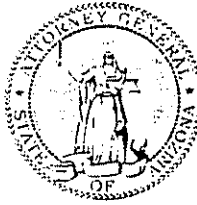
RESOLUTION NO _____ ORDINANCE NO _____

DATE 12/11 1991

(6159)

F 4297/2766

CITY CLERK'S FILE NO.



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

January 9, 1992

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR91-2771 -IRD , an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 10th day of January, 1992.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section